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August 3, 1999

VIA HAND DELIVERY

Jennifer G. MacDonald, Esq.
Assistant Regional Counsel
Environmental Protection Agency
Office of Regional Counsel
United States Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

Re: Container Properties, LLC./Rhodia, Inc.

Dear Ms. MacDonald:

We received the EPA comments to the Risk Assessment/Media Cleanup Standards Evaluation late on July 23, 1999. As we notified you earlier, we immediately met with our consultant, AGI, and requested that it take whatever steps are necessary to ensure that all of the comments which were provided to us on July 23, 1999 are satisfactorily addressed. To that end, AGI has retained the services of Donna Dehn. We understand that Ms. Dehn is one of the top consultants in the country for risk assessments and media cleanup standards evaluations. She is located in Denver and will immediately begin the project. A copy of her resumé is attached. Peter Wold, Container Properties' Project Manager, is requesting authorization to retain Ms. Dehn, under separate cover.

After meeting with Ms. Dehn, we must request an additional five (5) weeks in which to complete the project. This is necessitated, in part, because of the need to consider a number of compounds which our consultant believed (mistakenly) did not need to be considered and, by EPA's request that we consider recently promulgated standards and studies. Until the recent EPA comments, AGI did not believe it needed to calculate forward or future risks. It was AGI's understanding that RCRA only required a characterization of risk as they currently existed.

In its comments, the EPA also requested that AGI include information from the King County Combined Sewer Overflow Water Quality Assessment for the Duwamish River and Elliot Bay, released in 1999, as part of the ecosystem risk assessment. Understandably, the EPA did not request that this report be used when the 1998 comments were provided, because the report had not yet been published. Similarly, as part of the human risk assessment, the EPA has requested that Container Properties use the Asian and Pacific Islander Seafood Consumption Study in King

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Jennifer G. MacDonald, Esq.
August 3, 1999
Page 2

County, also published in 1999. Finally, Ms. Bailey has requested that we use the Weston Report for contaminants in the sediments of the Duwamish River, to determine whether the sediment of chemistry discussed in the Weston Report is expressive of the plume from the property. The Weston Report was not published until April or May of 1999.

There also appears to be some confusion regarding the use of toxicity values from IRIS and HEAST. AGI interpreted the 1998 comments to say that non-promulgated standards or criteria for action levels were not to be used and that both IRIS and HEAST were considered by the EPA to be non-promulgated standards or criteria. Ms. Bailey's comments in 1999, however, request that AGI use IRIS and HEAST to obtain toxicity values (Comment #10). Based on this clarification, AGI will do so. The EPA has also requested that if there are compounds for which there are no standards, AGI send the list to the EPA and the EPA will establish provisional toxicity values from which AGI can calculate a risk-based concentration. Obviously, this could take some time. Not knowing how long this will take, our request for an additional five weeks presumes that the EPA will give us those toxicity values within a day or so after requested.

As my telephone message indicated, Container Properties is very concerned about the comments provided by Ms. Bailey and the fact that our consultants' work is of unacceptable quality. As indicated above, we are taking all steps possible to remedy this situation.

While AGI could produce a report addressing many of the issues addressed in the comments, such as data quality and the detection limits of compounds of concern, within thirty (30) days, it would appear to be in everyone's best interests to have one comprehensive document. We, therefore, respectfully request that we be granted a five week extension to submit a revised Risk Assessment/Media Cleanup Standards Evaluation. We look forward to your reply.

If you have any questions, please do not hesitate to give us a call.

Very truly yours,

CARNEY BADLEY SMITH & SPELLMAN, P.S.



Donald J. Verfurth

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Enclosure

cc: ✓ Christy Brown
Peter Wold